

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6523

BILL NUMBER: SB 201

NOTE PREPARED: Jan 25, 2012

BILL AMENDED: Jan 25, 2012

SUBJECT: Transfer of Human Organisms Exemption.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill exempts from the crime of unlawful transfer of a human organism certain types of payments to a fertility clinic that meets specified requirements. The bill provides that not more than \$4,000 may be paid to a woman donor or exempted fertility clinic for recovery time. (Current law provides that not more than \$3,000 may be paid to a woman donor for recovery time.)

The bill also establishes a Class C felony for a person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party for purposes of embryonic stem cell research.

Effective Date: July 1, 2012.

Explanation of State Expenditures: (Revised) This bill provides exemptions from the Class C felony of unlawful transfer of a human organism. It also establishes a new Class C felony for a person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party for purposes of embryonic stem cell research.

(Revised) *Penalty Provision:* A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily, per prisoner. However, any reduction in expenditures from the new exemption is likely to be small. Similarly, any increase in expenditures resulting from the new criminal penalty is likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: (Revised) *Penalty Provision:* If fewer court cases occur or fewer fines are collected as a result of the exemption, revenue otherwise deposited in the Common School Fund (from criminal fines) and the state General Fund (from court fees) would be reduced. Similarly, if more court cases occur or more fines are collected as a result of the new Class C felony, revenue otherwise deposited in the Common School Fund (from criminal fines) and the state General Fund (from court fees) would be increased. The maximum fine for a Class C felony is \$10,000. However, any change in revenues would likely be small.

Explanation of Local Expenditures: (Revised) *Penalty Provision:* If there is a change in the number of defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may change. However, any increase or reduction in expenditures would likely be small.

Explanation of Local Revenues: (Revised) *Penalty Provision:* If there is a change in the number of court actions that occur, local governments would experience a change in revenue from court fees. However, any increase or reduction would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Kathy Norris, 317-234-1360.